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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,840	02/06/2002	Steven Charles Glassman	9772-0313-999	3725

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EXAMINER

HERRING, VIRGIL A

ART UNIT	PAPER NUMBER
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2132

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/072,840	Applicant(s) GLASSMAN ET AL.	
	Examiner Virgil Herring	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 56 and 58-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 56, 58, 59 and 61-64 is/are rejected.
- 7) ☒ Claim(s) 60 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the amendment filed 22 January 2007. Claims 1-55 were previously cancelled. Claim 57 is cancelled by this amendment. Claims 63 and 64 are new. Claims 56 and 58-64 are currently pending.

Response to Arguments

Applicant's arguments, see pages 5-8, filed 22 January 2007, with respect to the rejections under 35 USC §112 have been fully considered and are persuasive in light of the claim amendments. The rejections under §112 of claims 58 and 60 have been withdrawn.

Applicant's arguments filed 22 January 2007 with respect to the rejections under 35 USC §102 have been fully considered but they are not persuasive.

With regards to claim 56 in view of the Bhatti reference, applicant argued that Bhatti does not teach the step in which a longer time delay is required between login attempts for a second class cookie compared to a first class cookie. The examiner respectfully disagrees. As pointed out in the prior action, Bhatti teaches performance tiers at column 6, lines 13-39. This clearly indicates that lower tiers would experience lower performance. Furthermore, from column 8, line 46 to column 9, line 34, Bhatti discusses scheduling of access requests. In particular, it is mentioned that in priority scheduling, the first-class queue is processed before the second-class queue. Thus, a

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re-attempt to log in for the second tier would be processed later than a re-attempt to log in for the first tier (i.e. a longer time delay).

With regards to claim 59, applicant argued that the claim is not limited to a single computer system, and that in some embodiments a login account may be accessed via multiple computer systems from multiple locations. The examiner agrees with this point, but notes that in such a case, the logins are still processed in a serial manner (i.e. one at a time). Furthermore, applicant's own claim 56 precludes the need to serialize the login attempts, because the login cookies (which are already defined as first- or second-class) are stored at the computer system from which the login is attempted. In other words, a "parallel" login would not occur, because each location would have its own cookie of first- or second-class.

With regards to the Mosberger reference, class/tier-based service is discussed in several locations, such as column 3, 7 and 8, and the claims.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 56, 58, 59, and 61-64 are rejected under 35 U.S.C. 102(a) as being anticipated by Bhatti et al (US Patent #6,304,906 B1).

With regards to claims 56, 62, and 63 Bhatti et al disclose a method for providing multi-class processing of login requests comprising:

- associating a login cookie class with a login cookie; and (column 8, lines 9-15)

- providing a level of service to login attempts associated with the login cookie based on the login cookie class of the login cookie (column 6, lines 13-39)

- requiring a longer time delay for a second-class login cookie than for a first-class login cookie between an invalid login attempt and allowing a subsequent login attempt. (column 6, lines 13-39; column 8, line 46 – column 9, line 34; see Response to Arguments for detailed explanation)

Furthermore, with regards to claim 63, Bhatti et al disclose rejecting login attempts by the client when the client does not utilize any class of login token. (column 3, lines 24-27 & 35-41)

With regards to claim 58, Bhatti et al disclose the method of claim 56 wherein providing a level of service to login attempts associated with the login cookie based on the login cookie class of the login cookie further comprises:

- invalidating the subsequent login attempt for the second-class login before a user name and password are processed responsive to the subsequent login attempt being performed before the expiration of the longer time delay. (column 6, lines 13-39; lower class login attempts would experience lower class service,

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i.e. longer time delays; invalidation of attempts to login before a time delay is inherent in computer security systems)

With regards to claim 59, Bhatti et al disclose the method of claim 56 wherein providing a level of service to login attempts associated with the login cookie based on the login cookie class of the login cookie further comprises:

serializing login attempts made without a login cookie designated as first-class. (login attempts to a computer system inherently occur serially, rather than in parallel)

With regards to claim 61, Bhatti et al disclose the method of claim 56 wherein providing a level of service to login attempts associated with the login cookie based on the login cookie class of the login cookie further comprises:

processing a login attempt associated with a class with a less preferential level of service at a lower defined rate than another class with a more preferential level of service based on a login state which defines a rate at which a server can process login attempts. (column 6, lines 13-39; lower class login attempts experience lower class service, i.e. service at a lower rate)

With regards to claim 64, Bhatti et al disclose the method of claim 63, comprising providing the client with the second-class login token for a subsequent login attempt if the client does not utilize any class of login token. (column 7, lines 37-52)

Claim Objections

Claim 60 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virgil Herring whose telephone number is (571) 272-8189. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Virgil Herring *VH*
Examiner
Art Unit 2132

VH

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